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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10055,150	01/23/2002	Ed Gancarcik	481340010041	5763

7590

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EXAMINER

GARY, ERIKA A

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/055,150

Applicant(s)

GANCARCIK ET AL.

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2.5</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: on page 4, line 11, the appropriate application number is missing.

Appropriate correction is required.

### ***Claim Objections***

2. Claim 6 is objected to because of the following informalities: it appears claim should be dependent upon claim 5 as claim 6 mentions "said call server" and "a call server" is not mentioned until claim 5. The claim is interpreted as being dependent upon claim 5. Appropriate correction is required.

Claim 8 is objected to because of the following informalities: claim 8 should not be dependent upon "any one of the foregoing claims" because claim 8 mentions "said physical layer" and "a physical layer" is not mentioned until claim 3. Claim 8 can only be dependent from claims 3 or 4 and is interpreted as such. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Pinard et al., US Patent Number 6,647,103 (hereinafter Pinard).

Regarding claim 1, Pinard discloses a personal digital assistant (PDA) enabled telephony system comprising: call control means for implementing telephony functions [fig. 4: refs PC3, 54]; a telephone set connected to said call control means and having a communication port [fig. 4: phone/docking station 1]; a PDA having a user interface for displaying telephony functions to a user, a detector for detecting a selected telephony function, a telephony application for determining a call command based on said selected telephony function, and a communicator for communicating said call command to said communication port [fig. 4: PDA 5]; wherein said telephone set receives said call command and, in response, passes said selected call command to said call control means for implementing said selected telephony function [col. 1: line 62 – col. 2: line 6].

Regarding claim 2, Pinard discloses communication between said telephone set and said PDA is achieved via a protocol implemented via software within each of said telephone set and said PDA [col. 3: lines 50-56].

Regarding claims 3 and 4, it is inherent for protocols to comprise physical layers, an application or network interfaces, and encapsulation layers.

Regarding claim 5, Pinard discloses said telephone set includes communication means for enabling communication between said PDA and a call server [fig. 1].

Regarding claim 6, Pinard discloses said communication between said PDA and said call server is via one of either a TDM or IP based communication network [fig. 1; col. 4: lines 20-21].

Regarding claim 7, Pinard discloses said telephone set includes communication means for enabling communication between said PDA and a network node [fig. 1].

Regarding claim 8, Pinard discloses the physical layer comprises at least one of a wired interface or wireless interface [fig. 4: refs. 41, 42, 44, 46].

Regarding claim 9, Pinard discloses the wired interface comprises at least one of a serial interface, parallel interface, USB interface, tip and ring interface [fig. 4: refs. 41, 42].

Regarding claim 10, Pinard discloses the wireless interface comprises at least one of an infrared/IrDA interface, radio interface, and cellular interface [fig 4: refs. 44, 46].

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Harris, US Patent Number 6,738,643 (hereinafter Harris).

Regarding claim 1, Harris teaches a personal digital assistant (PDA) enabled telephony system comprising: a call control means for implementing telephony functions [inherent]; a telephone set connected to a call control means and having a communication port [fig. 1: ref. 130]; a PDA having a user interface for displaying telephony functions to a user, a detector for detecting a selected telephony function, a telephony application for determining a call command based on said selected telephony

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function, and a communicator for communicating said call command to said communication port [fig. 1: ref. 100]; wherein said telephone set receives said call command and, in response, passes said selected call command to said call control means for implementing said selected telephony function [fig. 1; col. 1: lines 54-60; col. 2: lines 49-62].

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris.

Regarding claims 11 and 12, the Examiner takes Official Notice that it is well known in the art for a call control means to comprise a PBX or a call server. At the time of the invention, it would have been obvious to one of ordinary skill in the art to include a specific call control means as it is obvious that the telephone set is connected to some type of call control means. The specific call control means used lacks criticality to the overall function of the invention.

### ***Conclusion***

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 703-308-0123. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG  
October 6, 2004

  
ERIKA A. GARY  
PRIMARY EXAMINER